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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

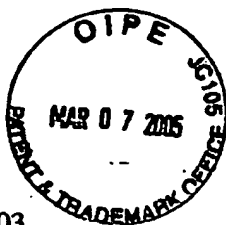
DOUGLAS A. HUGHES, et al.

Serial No.: 10/674,010

Filed: September 29, 2003

For: RANGE CONTROL METHOD FOR LEVER SHIFTED
COMPOUND TRANSMISSIONS

Attorney Docket No.: EAT0201PUS/00-rTRN-168



Group Art Unit: 3681

Examiner: Tisha D. Lewis

AMENDMENT UNDER 37 C.F.R. § 1.111

Mail Stop Amendment
Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

06/03/2005 THCBRIDE 00000002 023978 10674010
In response to the Office Action mailed December 13, 2004, please amend the

01 FC:1202 50.00 DA
above-identified application as follows:

05/27/2005 THCBRIDE 00000004 023978 10674010

01 FC:1201 600.00 DA

Adjustment date: 06/03/2005 THCBRIDE
05/27/2005 THCBRIDE 00000004 023978 10674010
01 FC:1201 600.00 CR

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

March 3, 2005
Date of Deposit

Donald J. Harrington
Name of Person Signing

Signature

possible ratios. The elimination of those ratios is done in accordance with the results of the overspeed test.

The control logic of the present invention will eliminate automatically those ratios that will result in engine overspeeding as target ratio is automatically determined. This determination is made by a control algorithm using the control logic at 32 in Applicants' Figure 1 in response to the various inputs at 34 in Figure 1. This is fundamentally distinct from a transmission system in which range selection is based on shift lever position and a driver operated selector switch position.

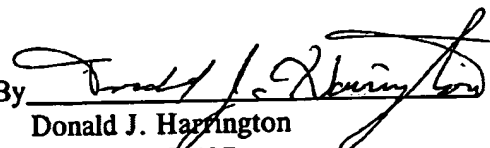
In making an unobviousness determination, the use of hindsight wisdom should be avoided. It is well established that a motivation or suggestion in at least one of multiple prior art reference citations must be present before a conclusion of obviousness can be reached. In the present case, neither of the cited references, in the view of Applicants, provides such a motivation or suggestion.

Please charge the additional claims fee and any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 -- a duplicate of this paper is enclosed for that purpose.

Applicants have attempted to emphasize the distinctions between the present invention and the reference patent teachings by making the amendments to the claims included in this paper. It is requested that claims 1-8 and 18-22, as presently amended, be grouped with allowable claims 9-17 and 23-31 and that a Notice of Allowance be issued.

Respectfully submitted,

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